

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649
ph: (508) 539-1400

Planning Board Minutes 11-20-2013

Mashpee Planning Board
Minutes of Meeting
November 20, 2013 at 7:00 p.m.
Waquoit Meeting Room, Mashpee Town Hall
Approved 12/4/13

Planning Board Members Present: Chairman George Petersen, Dennis Balzarini, David Kooharian, Joe Cummings, Mary Waygan

Also Present: Tom Fudala-Town Planner, Charles Rowley-Consultant Engineer

Absent: Joe Mullin

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Waquoit Meeting Room at Mashpee Town Hall by Chairman Petersen at 7:00 p.m. on Wednesday, November 20, 2013 and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES—November 6, 2013/*NOTES* & October 16, 2013/*MINUTES*

MOTION: Ms. Waygan made a motion to accept the notes of the meeting of November 6th. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to accept the minutes of October 16th as written. Mr. Kooharian seconded the motion.

TOWN ROAD LAYOUT

Signature of Market Street road easement taking plan as approved at October 21 Town Meeting-Planning Board members signed the plan.

PUBLIC HEARING

7:10 Applicant: BCDM, LLC

Location: On and between Blue Castle Drive and Degrass Road, identified on the Mashpee Assessors Maps as Map 104, Blocks 14, 20 and 48

Request: Approval of a Special Permit for 16-lot cluster subdivision (Continued from 10/18)

*Letter submitted requesting continuation of hearing to December 4, 2013

7:10 Applicant: BCDM, LLC

Location: On and between Blue Castle Drive and Degrass Road, identified on the Mashpee Assessors Maps as Map 104, Blocks 14, 20 and 48

Request: Approve 16 lot cluster subdivision Definitive Subdivision Plan (Continued from 10/18)

*Letters submitted requesting extension of time to file decision with Town Clerk by 60 days and continuation of hearing to December 4, 2013

The appointed time having arrived, the Chair read for the record the request and opened both public hearings. Mr. Fudala indicated that the deadline for a decision was fast approaching regarding the Definitive Subdivision. The applicant submitted a letter requesting a 60-day extension in order to file a decision on the subdivision with the Town Clerk.

MOTION: Ms. Waygan made a motion to approve the extension request to 135 day time period. Mr. Balzarini seconded the motion. All voted unanimously.

There was discussion regarding the need for a continuance, in order to allow further comment while the plan was being developed and since the water quality report had not yet been completed.

MOTION: Ms. Waygan made a motion to continue both public hearings to December 4th at 7:10 p.m. Mr. Balzarini seconded the motion. All voted unanimously.

Ms. Waygan noted that, besides posting the agenda, there would be no other public notices. The Chair stated that the applicant was allowed to request continuances since certain deliverables were necessary and not yet complete. Audience members expressed concern about the applicant not adhering to a timeline and repeatedly requesting continuances. Concern was also expressed that the developer was not in attendance at any of the public hearings while the public continued to attend the meetings. Mr. Balzarini expressed his belief that it was important for the developer to communicate with the abutters. It was stated that there was no limit to allowing continuances and that the Planning Board traditionally allowed continuances, but also strongly encouraged plan proponents to address abutters' concerns.

7:30 Applicant: Federal National Mortgage Association c/o Cotuit Solar LLC

Location: 36 Savanna's Path / Trinity Place

Request: Approval of 1-lot definitive subdivision plan and road designs (Continued from 11/6)

The Chair read the request. Mr. Fudala stated that no letter requesting an extension had been received, and the applicant had not yet responded to Mr. Rowley's letter detailing his comments. Mr. Fudala noted that the decision date would expire on January 4 and that December 18 would be the last meeting before it expired. Mr. Kooharian recently learned that they may be changing engineers. Mr. Fudala indicated that Mr. Hackler had been advised to remain with his current engineer when he inquired with another engineering firm. Chairman Petersen referenced Mr. Rowley's three pages of comments and reviews and inquired whether the application fee had covered the expenses being incurred. Mr. Rowley indicated that he had completed an initial review in August, but had received no response for approximately another month, at which time he attended a meeting to discuss the review. A revised set of plans was recently received, but previous issues discussed were not addressed on the revised plans. Mr. Fudala referenced an October list of waiver requests. Mr. Rowley stated that he was satisfied with the plans for the turnaround but noted that the layout plan showing the easement had not been included in his package.

Mr. Fudala stated that the applicant was seeking waivers from the following: Section 81Q, regarding the turnaround; Section 8B3, regarding pavement width of 22 feet; Section 9D1 requiring pavement thickness of 4 ½ inches and Section 9-1 regarding a sidewalk. Mr. Fudala suggested making a decision on the waivers prior to receiving the engineering plans. Board members suggested thinking about the waivers, but not voting on them without the project proponent present or plan being provided. Mr. Balzarini suggested the possibility that decisions on the waivers may move the project along. Mr. Rowley recommended holding off on a vote until being presented with the final plan. Board members were in agreement.

MOTION: Mr. Balzarini made a motion to continue the public hearing to December 4th at 7:30 p.m. Ms. Waygan seconded the motion. All voted unanimously.

SPECIAL PERMIT

Applicant: Waypoint Ventures, LLC

Location: Great Oak Road South, east side, just north of power lines Assessors Map 74, Blocks 27 and part of 17

Request: Withdraw Special Permit application for Northbridge assisted living facility

Mr. Fudala stated that a letter had been received requesting the withdrawal of Northbridge Assisted Living facility due to the need to work out Natural Heritage issues. The application will be re-filed at a later date.

MOTION: Ms. Waygan made a motion to accept the requested withdrawal. Mr. Balzarini seconded the motion. All voted unanimously.

BOARD ITEMS

New Business

Expense Vouchers-An invoice was received from Charles Rowley in the amount of \$190 from Southport services in October.

MOTION: Ms. Waygan made a motion to pay Mr. Rowley \$190 for his work at Southport. Mr. Balzarini seconded the motion. All voted unanimously.

The second invoice totaled \$380 for Planning Board services in October.

MOTION: Ms. Waygan made a motion to pay the invoice. Mr. Balzarini seconded the motion. All voted unanimously.

An invoice was received in the amount of \$95 for the subscription to Planner's Web.

MOTION: Ms. Waygan made a motion to pay the voucher. Mr. Balzarini seconded the motion. All voted unanimously.

The vouchers were signed by Planning Board members.

FY-15 Planning Board Budget-It was reported that the budget was filed this week. Mr. Fudala stated that an increase was requested from \$6,900 to \$7,200 for next year.

Amendment to Cape Cod Commission Regulations Chapter H-There was discussion regarding the elected Assembly Delegates and the limited communication occurring with the Town. The Chair suggested the possibility of attending future Board of Selectman meetings for an update every six months when the Delegates attend. The Chair will inquire with Selectman Cahalane.

Ms. Waygan stated that revisions to the Cape Cod Commission's regulation would allow the Cape Cod Commission to change DRI thresholds. The Town could be overridden by the Cape Cod Commission. Ms. Waygan suggested that it could be a benefit in the event that a development spanned two towns.

A public hearing has been scheduled for Bridges of Mashpee on November 26, 5:30 at the Cape Cod Commission.

Old Business

Discussion of Greenways Proposal and Surrounding Commercial Property-Ms.

Waygan announced that meetings had been posted for Saturday, November 23, December 14 and January 4 at 1 p.m. The meetings would take place at the Mashpee Public Library conference room. The meetings have been posted as Planning Board meetings, though it was noted that there was no plan to take any votes. It was expected that discussion would involve review of the list of contact people and identify ways to reach out to volunteers.

MMR Military Civilian Community Council-Update of MMR Joint Land Use

Study-Mr. Fudala stated that a draft final report of the Joint Land Use Study had been completed by the Cape Cod Commission and that he had a copy available in his office for anyone's review. Ms. Waygan inquired about an executive summary or action plan and requested that a copy be provided at the next meeting.

Design Review Committee-Mr. Cummings reported that a meeting took place on November 5 with discussions regarding the sale of Christmas trees on Nathan Ellis Highway, water damage at the Veteran's Outreach Center and a Lyme disease facility to be located at Trinity Place. The Subdivision at Blue Castle was on the agenda but the applicant was not in attendance.

Community Preservation Committee-Ms. Waygan reported that the CPC had begun review of applications for the next round of funding. Ms. Waygan stated that the match would be 50% from the State. Applications were received from KC Coombs School for an accessible playground, the reprinting of Mashpee's history and open space purchases in the amounts of \$160,000 and \$600,000. Ms. Waygan noted that it was the best attended CPC meeting ever with 50 people in attendance. A vote on the applications will be taken in December.

Environmental Oversight Committee-Chairman Petersen stated that Mike Talbott had been active in the issue of fertilizer use control and the Cape Cod Commission's draft document. At the recent EOC meeting, concern was expressed regarding the CCC's draft, particularly in comparison to Falmouth's bylaw. The EOC will reach out to Falmouth to review their draft as it would make more sense to have a similar document as they are a neighboring community. Mr. Fudala added that Senator Wolf had requested an amendment allowing towns an extra year to work on fertilizer regulations, until December 2014. The CCC wishes to discuss further with towns and boards concerns about the regulations in an effort to develop regional rules. The EOC will also request that the Board of Selectmen address the issue of the new flood maps. There was discussion about legislation to possibly postpone the maps due to affordability issues.

Historic District Commission- No update

Charter Review-No update

CORRESPONDENCE

- Whitewater, Inc. – September 3013 SouthCape Village WW discharge report – N=5.8

-Medical Marijuana-Mr. Fudala reported that the Board of Selectmen met to discuss with two proponents for medical marijuana facilities to be located on Echo Road and Summerfield Park. The Selectmen will forward a letter of support on behalf of both applicants.

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting adjourned at 8:12 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Mathew Costa Letter--Ockway Highlands, Definitive Plan Decision Time Extension
- Mathew Costa Letter—BCDM Development, Ockway Highlands Request to Continue Public Hearing
- Kevin Kirrane Letter Requesting Withdrawal of Special Permit Application for Waypoint Ventures, LLC
- Charles Rowley Letter Regarding the Definitive Plan Review for Savanna's Path
- Planning Board Budget Narrative
- Cape Cod Commission Hearing Notice for Bridges at Mashpee
- Notice of Availability of Draft Environmental Impact Statement Concerning the Mashpee Wampanoag Tribes' Proposed Fee to Trust Acquisition